

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MEDIA TEK, INC.,
PLAINTIFF,

VS.

FREESCALE SEMICONDUCTOR, INC.,
DEFENDANT.

CASE No.: 11-cv-5341 YGR

PRETRIAL ORDER No. 6 RE: JURY ISSUES

In further preparation for the scheduled jury trial, the Court **ORDERS** the creation of a joint juror notebook, the requirements of which are identified below. In addition, the parties are advised that the Court is considering modifications to the normal presentation of evidence given the technical nature of the issues to be presented to the jury, as stated below.

First, the parties shall meet and confer in developing a joint juror notebook. The Court will review the proposed juror notebook with the parties at the next trial readiness conference scheduled for August 18, 2014, and resolve any disagreements. Once approved, the parties shall provide sufficient notebooks for each juror, plus two. The Court will add its own cover page for the front of the notebook. The notebook should include the following components/tabs:

1. An empty "sheet protector" in which the Court can insert a page with a warning regarding use of social media and duties of jurors;
2. Index;
3. Loose leaf paper for note taking;
4. Glossary of technical terms;
5. Photographs of each witness. Each party will be responsible for taking a photograph of each witness testifying in its case in chief, outside the Courtroom immediately before the witness testifies. The witness's appearance must be the same in the photograph on the witness stand (*i.e.*, same clothing, hairstyle, eyewear). At the time of trial, the parties

shall provide the Courtroom Deputy with eleven (11) copies of each photograph, printed on three-hole-punched, 8 ½" x 11" paper. The photograph size itself should be at least 4" by 6". The Courtroom Deputy will distribute the photographs for placement in the juror binders.

6. Color-coded handouts identifying the specific language of the claims which is at issue in the patents and its import to the action. *See* Docket No. 633 in *Oracle America, Inc. v Google*, 10-cv-3561-WHA, as an exemplar. The handouts should also include any constructions made by the Court or to which the parties have stipulated. Alternatively, a chart may be a better mechanism for communicating that particular information;
7. A common timeline of events, if appropriate and useful;
8. Copies of the patents (on double-sided paper). The copies of the patents should highlight or box the claims at issue;
9. A copy of the Patent Example referenced in the FJC video to be played to the jurors; and
10. Final jury instructions (to be provided later)

Second, as the parties are aware, the Court allows jurors to ask questions during the trial. The Court is also considering whether: (i) to allow "mini-arguments" during trial; (ii) to require the parties to present each side's experts on a particular topic back-to-back; and (iii) to allow jurors to discuss the evidence during the case as it is being presented. The parties should again, meet and confer on those issues as a joint recommendation will carry more weight with the Court. The Court will consider the parties' perspectives at the next trial readiness conference.

On a separate topic, the parties shall advise the Court as to the schedule for the remaining depositions. The Court notes that it is awaiting more information before ruling on the "Crown Jewel" document.

Finally, by **noon on August 15, 2014**, the parties shall file a notice of all additional issues they would like addressed at the August 18, 2014 conference.

IT IS SO ORDERED.

DATED: August 7, 2014


HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE